

Remarks

This paper is responsive to a restriction requirement and closing prosecution dated August 9, 2005. Claims 1-8 are present.

1-4. The restriction is between a product, the package of claims 1-6 (Group I), and a method of making the product, the packaging method of claims 7 and 8 (Group II). However, claims 1-4 are for an empty package, and claim 7 is not a method of making the package! The requirement to restrict is therefor inappropriate and must be withdrawn.

The determination of the inventions being distinct is that "the product as claimed can be made by a materially different method such as loading the product through the forward side." However, both claims 1 and 5 (the only independent claims of Group I) require "retainers...shaped to...restrain said product in...forward directions, said retainers together restraining said product within the openings of said frame and in front of said frame and restraining said product from moving away from the front of said frame...." Thus, the retainers prevent the product from moving forward; any such retainers would also prevent loading from the front. Therefore, reconsideration and withdrawal of the restriction requirement is requested.

Claim 7 has been amended to include the language of claims 1 and 5 that the openings are "through said frame...so that said product can be touched by customers when said package is disposed on display for retail sale with product therein". The method therefor relates only to loading type of frame in claim 1 to make the product of claim 5. Therefore, entry of the amendment to claim 7 and withdrawal of the restriction requirement is requested.

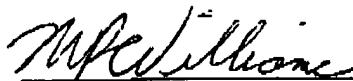
If the restriction requirement is maintained, it is requested that the amendment of claim 7 be entered, even though the argument relating thereto concerning restriction is not deemed persuasive.

5. The undersigned affirms election of Group I, claims 1-6 with traverse,

the traverse being for the reasons stated hereinbefore with respect to claims 1-4 and with respect to the retainers restraining product in front of the frame.

6,7. Should the Primary Examiner not find the foregoing persuasive, a telephone call is earnestly solicited so that an Examiner's Amendment may be entered, if appropriate.

Respectfully submitted,



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